

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MICHAEL GLASPIE,

Defendant.

4:23-CR-3010

PRELIMINARY ORDER OF
FORFEITURE

This matter is before the Court on the government's Motion for Forfeiture Money Judgment ([filing 36](#)). The information in this case ([filing 3](#)) charged the defendant with wire fraud in violation of [18 U.S.C. § 1343](#). The information included a forfeiture allegation seeking forfeiture, pursuant to [18 U.S.C. § 981\(a\)\(1\)\(C\)](#) and [21 U.S.C. § 853](#), of \$2,424,971 which is or is derived from proceeds traceable to the offense. [Filing 34](#). The defendant has pled guilty to the information and admitted misappropriating at least \$2,424,971 of investor funds for personal purposes. [Filing 14 at 4](#); [filing 20 at 38-40](#).

By virtue of pleading guilty to the charge and admitting the misappropriation, the defendant has admitted he received at least \$2,424,971 that is or is derived from proceeds of his offense. *See* § 981(a)(1)(C). The presentence report suggests that the defendant has "minimal net worth and negative monthly cash flow," meaning that at this point the misappropriated assets have been dissipated and there are no substitute assets to be seized or property to be described, specifically or otherwise. *See Fed. R. Crim. P. 32.2(b)(2)(C)*. Accordingly, § 853(p) permits the Court to impose a money judgment. *United States v. Smith*, 656 F.3d 821, 827 (8th Cir. 2011).

The Court will, accordingly, grant the government's motion and preliminarily order a forfeiture money judgment of \$2,424,971. *See* Rule

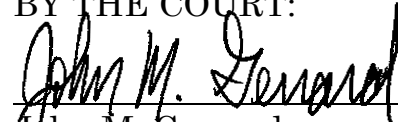
32.2(b)(2). But it is not clear whether the defendant consents to this order—therefore, this preliminary order of forfeiture shall become final as to the defendant at sentencing. *See* Rule 32.2(B)(4)(A).

IT IS ORDERED:

1. The government's Motion for Forfeiture Money Judgment ([filing 36](#)) is granted.
2. The defendant shall be liable for a forfeiture money judgment in the amount of \$2,424,971.
3. This order shall become final at sentencing.

Dated this 25th day of September, 2023.

BY THE COURT:



John M. Gerrard
Senior United States District Judge